

Before the State of South Carolina
Department of Insurance

In the matter of:)	Order Revoking
)	Insurance Agent's License
Ervin J. Whack)	
)	
412 North Nettles)	File Number: 100876
Bishopville, South Carolina 29010.)	
_____)	

This matter comes before me pursuant to a Letter of Allegation and Notice of Opportunity for a Public Hearing served, as required within S.C. Code Ann. § 38-3-170 (Supp. 1999), by the State of South Carolina Department of Insurance upon Ervin J. Whack, a licensed resident insurance agent, both by certified mail, return receipt requested, and by regular mail.

By that letter, Whack was informed of his right to request a public hearing upon the allegations of impropriety contained within the letter against him. Further, he was warned that his failure to make a timely, written request would result in my summary revocation of his license to do business as a resident insurance agent within the State of South Carolina. Despite that warning, as of February 14, 2000, Whack had neither timely answered nor requested a public hearing. On that day, therefore, the investigator for the Department filed an Affidavit of Default, and the entire matter was submitted directly to me for my summary decision based solely on the record.

The letter alleged, and I now find as fact, that while licensed to do business as a resident insurance agent within the State of South Carolina for Pioneer Life Insurance Company, Whack failed to forward policyholders' premiums to the company; and in other instances, Whack issued checks for the payment of premiums that were not honored by the bank on which they were written. These actions are direct violations of S.C. Code Ann. § 38-43-130 (Supp. 1999), which provides: "The director or his designee may revoke or suspend an agent's license after ten day's notice . . . when it appears that an agent . . . has violated this title or any regulation promulgated by the department, or has wilfully deceived or dealt unjustly with the citizens of this State."

In accordance with my findings of fact, and considering Whacks's failure to avail himself of his opportunity to be heard, I now conclude, as a matter of law, that Whack wilfully deceived and/or dealt unjustly with citizens of this State, thereby violating S.C. Code Ann. § 38-43-130 (Supp. 1999).

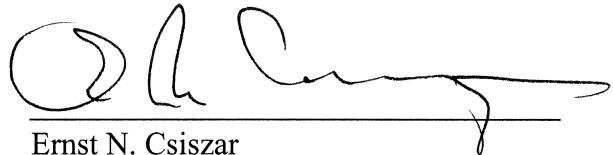
This administrative disciplinary order is a public record subject to the disclosure requirements of the State of South Carolina's *Freedom of Information Act*, S.C. Code Ann. §§ 30-40-10, *et seq.* (1991 and Supp. 1999). Nothing contained within this administrative disciplinary order should be construed to limit or to deprive any person of any private right of

action under the law. Nothing contained within this administrative disciplinary order should be construed to limit, in any manner, the criminal jurisdiction of any law enforcement or judicial officer. Nothing contained within this administrative disciplinary order should be construed to limit the statutory duty, pursuant to S.C. Code Ann. § 38-3-110(4) (Supp. 1999), of the Director of Insurance, exercised either directly or through the Department of Insurance, to "report to the Attorney General or other appropriate law enforcement officials criminal violations of the law relative to the business of insurance or the provisions of this title which he considers necessary to report.

It is, therefore, ordered that the license of Ervin J. Whack to do business as a resident insurance agent within the State of South Carolina be, and is hereby, revoked, and that no license issued through the State of South Carolina Department of Insurance is to be issued to him.

It is further ordered that a copy of this order shall be transmitted to the National Association of Insurance Commissioners for distribution to its current member states and to each insurer for which Ervin J. Whack is currently licensed, through the State of South Carolina Department of Insurance, as a resident insurance agent within the State of South Carolina.

This order becomes effective as of the date of my signature below.

A handwritten signature in black ink, appearing to read "Ernst N. Csiszar", written over a horizontal line.

Ernst N. Csiszar
Director

February 17, 2000, at
Columbia, South Carolina